

Remarks

Claim 11 is added and claims 1, 3, 6 and 7 are amended. Claims 1 to 11 are pending in this application of which only claim 1 is in independent form.

Claim 6 is amended herein to correct the informality noted on page 2 of the action.

Claims 1 to 10 were rejected under 35 USC 112, second paragraph, as being indefinite because the term "portable" was deemed to be indefinite.

The term "portable" means that the work apparatus can be carried by the operator during operation. The work apparatus of the invention is equipped with two handles as shown in FIG. 1 of the applicants' drawings. Thus, the work tool is "portable" from one job to another and is handheld. During operation, the wheels (6, 7) support the apparatus on the ground and the operator can guide the work apparatus and carry the same at the same time while the lower end rests in contact engagement with the ground.

The applicants also call attention to the reference cited by the Examiner, namely, Uhl et al, and note that here too the lawn edger is characterized as a "portable" handheld lawn edge cutter. Please also see United States Patent 6,904,977 entitled "Portable Handheld Work Apparatus" which discloses a motorized cultivator. A copy of the title sheet of this patent is also submitted herewith. Applicants respectfully submit that the term portable in association with handheld work apparatus such as a lawn edger

is well established and should not be indefinite. A copy of page 1768 of Webster's Third New International Dictionary is attached to this amendment and shows the word "portable" as meaning "capable of being carried". Here, a portable power drill is set forth as an example.

For the reasons advanced above, applicants respectfully submit that the term "portable" does not render the claims indefinite.

Claims 1 to 10 were rejected under 35 USC 102(b) as being anticipated by Uhl et al. The following will show that applicants' claim 1 patentably distinguishes their invention over this reference.

The applicants' invention is directed to an edge cutter having two wheels. One of the wheels is rotatably journaled on one side of the gear housing. The cutting blade of the edge cutter is mounted on the opposite-lying side of the gear housing. The second wheel is mounted between the cutting blade and the gear housing. Both wheels are coaxially journaled with respect to the output shaft so that both wheels rotate about the same geometric axis. In this way, a wheel is mounted on each side of the gear housing and this prevents the gear housing from being in contact engagement with the ground. Additional measures for preventing wear on the gear housing are unnecessary.

In contrast, Uhl et al shows, for example, an edge cutter having a gear housing 10 with a wheel 7 mounted on one side thereof. On the opposite-lying side of the gear housing, a skid or wear protector 29 is mounted between the gear housing and the cutting blade 5 (column 5, line 15). The second wheel 27 is

mounted at a distance (2) to the wheel 7 and to the drive axis 50. During operation, both wheels 7 and 27 roll on the ground. The wear protector 29 glides over the ground and is subjected to wear. In the applicants' invention, this wear is prevented because of the arrangement of a wheel in lieu of the wear protector between the gear housing and the cutting blade. Thus, claim 1 requires:

"a second wheel (6) disposed between said cutting blade (9) and said gear housing (8);" (parenthetical material added)

Nowhere in Uhl et al is there any suggestion of a wheel being disposed between the gear housing and the cutter blade. Indeed, there is no suggestion in this reference which could lead our person of ordinary skill to substitute a wheel for the wear protector. Also, the arrangement of two wheels mounted coaxially with respect to the drive shaft is also not suggested in this reference. Thus, applicants' claim 1 positively recites the first and second wheels as being coaxial to the output shaft with the clause:

"said first and second wheels being rotatably journaled coaxially to said output shaft." (emphasis added)

In contrast to the applicants' invention, the wheels 7 and 27 of Uhl et al are disposed one behind the other and somewhat offset as clearly shown in the perspective view of FIG. 7 of this reference.

In view of the foregoing, applicants submit that claim 1 should now patentably distinguish their invention over Uhl et al and be allowable. The remaining claims 2 to 11 are all dependent

from claim 1 so that these claims too should now be allowable.

Reconsideration of the application is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Walter Ottesen', written in a cursive style.

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Webster's Third New International Dictionary

OF THE ENGLISH LANGUAGE
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(12) **United States Patent**
Zerrer et al.

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(54) **PORTABLE HANDHELD WORK APPARATUS**

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(58) Field of Search **56/12.7, 17.5; 172/17, 18, 41, 42, 43, 54.5, 245, 247, 250; 30/276, 296**

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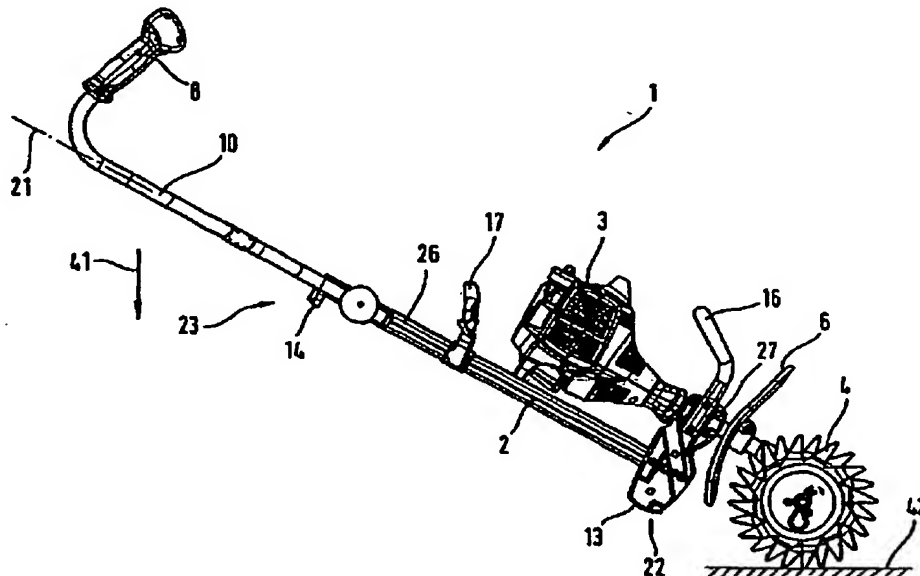
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(57) **ABSTRACT**

A portable handheld work apparatus, such as a motorized cultivator (1) or the like, includes a frame (2) which extends essentially in the longitudinal direction (21) of the work apparatus. A drive motor (3) is fixed at one end (22) of the frame (2) and a work tool is driven by this drive motor. The opposite-lying end (23) includes at least a handle (7, 8) for guiding the work apparatus during the operation thereof. In order to make possible an ergonomic work posture of the operator, the handle (7, 8) lies facing away upwardly from the ground surface (42) in the work position of the motorized work apparatus. The work position is a position in which the work tool lies on the ground surface (42) to be worked.

20 Claims, 8 Drawing Sheets



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